



UNITED STATES DEPARTMENT OF COMMERCE
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NOV 22 1999

Paper No. 17

In re Application of
Shalong Maa
Application No. 08/833,342
Filed: April 4, 1997
For: Computer-Controlled Talking Figure
Toy With Animated Features

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: DECISION ON PETITION
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This is a decision on the petition filed on October 27, 1999 in which petitioner requests supervisory intervention with respect to numerous errors alleged in the prosecution of this application. Specifically, petitioner requests withdrawal of the Office action dated August 2, 1999, assignment of a different examiner to this application, a reply to all materials traversed in the next Office action, inspection of the application file with a copy of the current specification and claims sent to petitioner for petitioner's inspection, and consideration of action under sections of Title 18 of the United States Code with respect to the examiner's conduct. Petitioner has also requested consideration of the petition under 37 CFR § 1.183 to waive 37 CFR § 1.181(f). Petitioner is advised that whereas the 37 CFR § 1.181 petition lies within the undersigned's jurisdiction, MPEP § 1002.02(c), a petition under 37 CFR § 1.183 to waive the regulations is within the jurisdiction of the Office of Petitions, MPEP § 100.02(b).


The petition is being treated under 37 CFR § 1.181 without fee.

The petition under 37 CFR § 1.181 is DISMISSED.

As petitioner notes at page 7 of the petition, the petition is untimely pursuant to 37 CFR § 1.181(f) in that it was filed more than two months after the August 2, 1999 action. In addition, petitioner is advised that pursuant to 37 CFR § 1.181(c), a request for reconsideration and a repeated action by the examiner are predicates to the filing of a petition pursuant to 37 CFR § 1.181. The record shows that petitioner has filed a request for reconsideration concurrently with the petition. However, there has been no repeated action by the examiner because the examiner has not yet considered the request for reconsideration. The petition is, therefore, premature, and dismissal is warranted on that basis as well as pursuant to 37 CFR § 1.181(f). Petitioner should note that as a result of the dismissal based upon 37 CFR §§ 1.181(c) and 1.181(f), the merits of the petition have not been reached.

The petition is being forwarded to the Office of Petitions for consideration of the petition under 37 CFR § 1.183.

PETITION UNDER 37 CFR § 1.181 DISMISSED.


E. Rollins-Cross, Director, Patent
Examining Groups 3710 and 3720

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